

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2291 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgment?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

B G TIWARI RETD. ASST. SUB INSPECTOR (IB)

Versus

STATE OF GUJARAT

Appearance:

MR NIKHIL S KARIEL for the Petitioner.
Mr.M.K.Dagli, Assistant GOVERNMENT PLEADER,
for Respondent No. 1-3
NOTICE SERVED BY DS for Respondent No. 1-3
DELETED Respondent Nos. 4-7

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 16/07/2003

ORAL JUDGEMENT

Mr.Kariel, learned Advocate for the petitioner.
submits that the petitioner has already died, but his

heirs have not been brought on record. He, however, submitted that even otherwise, the heirs of the deceased have approached the State Government for getting the retiral dues of the deceased petitioner and that the Government is considering the said request. He submitted that since the petitioner is no longer alive, now, there is no question of proceeding with this matter. Since the petitioner has died, in my view, this petition cannot survive unless the heirs are brought on record. If the heirs are not continuing the matter, on the ground submitted by Mr.Kariel, that they are directly negotiating with the Government for getting the retiral dues, in my view, this petition may be treated to have been disposed of in view of the death of the petitioner, as, this petition now cannot be proceeded with, especially when the heirs are not on record. Mr.Kariel, for his satisfaction, has placed on record copy of the letter received by him from the son of the petitioner. The same is kept on record.

The petition is disposed of as having abated / having become infructuous in view of the death of the petitioner as it cannot be proceeded with, on merits. However, in case the heirs of deceased are desirous to move any application for reviving this matter, it will be open for such heirs to file appropriate application in accordance with law.

The petition is accordingly disposed of. Rule is discharged. No costs.

16th July, 2003 (P.B. Majmudar, J.)

(apj)